#### ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2012-003 Cocktail Lounges in the Rainey Street Waterfront Overlay Subdistrict

<u>Description:</u> Consider an amendment to an ordinance amending Chapter 25-2-692 of the City Code relating to uses in the Rainey Street Waterfront Overlay Subdistrict, to make cocktail lounge a conditional use for properties zoned CBD that are also within the Rainey Street Waterfront Overlay Subdistrict.

**Proposed Language:** See attached draft ordinance.

**Staff Recommendation:** Staff recommends this amendment.

**Background:** Initiated by Planning Commission on January 24, 2012

Cocktail lounge use requires a minimum of one off-street parking spot per 100 sq. ft. of an establishment being used as cocktail lounge. The Rainey Street area, as described by the Rainey Street Waterfront Overlay Subdistrict, is primarily zoned DMU and CBD. These zoning districts allow off-street parking to be reduced to a minimum of 20 percent and a maximum of 60 percent of what would typically be required for a given use. The proliferation of cocktail lounges in the Rainey Street area (cocktail lounge is a conditional use in DMU and a permitted use in CBD), combined with reduced parking requirements, has led to an abundance of automobiles parked on-street, where foot traffic is also heavy, due to a lack of sidewalks. In addition, there is concern that the character of the Rainey Street area is changing due to the increased number of cocktail lounges in operation, and that any new proposals for said use should require additional scrutiny.

The proposed code amendment would make cocktail lounge use a conditional use in the Rainey Street Waterfront Overlay Subdistrict.

#### **Board and Commission Actions**

Planning Commission Subcommittee on Codes and Ordinances – Voted to <u>not recommend</u> this item to full Planning Commission on January 15, 2013. Vote: 4-0.

**Planning Commission** – A public hearing at Planning Commission has been set for January 22, 2013.

### **Council Action**

City Council – A public hearing at City Council has been set for February 28, 2013.

**Ordinance Number: NA** 

City Staff: Greg Dutton

**Phone:** 974-3509

Email: greg.dutton@austintexas.gov

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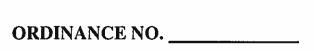
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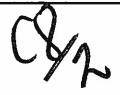
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AN ORDINANCE AMENDING TITLE 25 OF THE CITY CODE RELATING TO COCKTAIL LOUNGES IN THE RAINEY STREET AREA.

### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

**PART 1.** Chapter 25-2, Subchapter C, Article 3, Division 7, Section 25-2-692 is amended to read as follows:

### 25-2-692 WATERFRONT OVERLAY (WO) SUBDISTRICT USES.

- (A) This subsection applies to the University / Deep Eddy subdistrict.
  - (1) The following uses are prohibited:
    - (a) automotive rentals;
    - (b) automotive repair services;
    - (c) automotive sales;
    - (d) automotive washing;
    - (e) commercial off-street parking; and
    - (f) a use with a drive-in service.
  - (2) The following are conditional uses:
    - (a) hotel-motel;
    - (b) service station;
    - (c) local utility services.
- (B) In the North Shore Central subdistrict, not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.
  - (C) This subsection applies to the Red Bluff subdistrict.

1	(l) T	he following uses are prohibited:	
2	(a)	light manufacturing;	(8)
3	(b)	basic industry;	~/ <sub>3</sub>
4	(c)	stockyards;	)
5	(d)	laundry services; and	
6	(e)	resource extraction.	
7	(2) T	he following are conditional uses:	
8	(a)	automotive rentals;	
9	(b)	automotive repair services;	
10	(c)	automotive sales;	
11	(d)	automotive washing;	
12	(e)	commercial off-street parking;	
13	(f)	a use with a drive-in service; and	
14	(g)	warehousing and distribution.	
15	(D) This	s subsection applies to the East Rivers	ide subdistrict.
16	(1) T	he following uses are prohibited:	
17	(a)	automotive rentals;	
18	(b)	automotive repair services;	
19	(c)	automotive sales;	
20	(d)	automotive washing;	
21	(e)	basic industry;	
22	(f)	commercial off-street parking;	
23	(g)	a use with a drive-in service;	

1	(h) la	undry services;	• •
2	(i) lig	ght manufacturing;	(%
3	(j) ste	ockyards; and	
4	(k) w	arehousing and distribution.	
5	(2) The	following are conditional uses:	
6	(a) h	otel-motel;	
7	(b) so	ervice station; and	
8	(c) lo	ocal utility service.	
9	(E) This su	bsection applies to the Travis He	eights subdistrict.
10	(1) The	following uses are prohibited:	
11	(a) aı	utomotive rentals;	
12	(b) a	utomotive repair services;	
13	(c) a	utomotive sales;	
14	(d) a	utomotive washing;	
15	(e) ba	asic industry;	
16	(f) co	ommercial off-street parking;	
17	(g) la	undry services;	
18	(h) li	ght manufacturing;	
19	(i) sto	ockyards; and	
20	(j) w	arehousing and distribution.	
21	(2) The	following are conditional uses:	
22	(a) ho	otel-motel;	
23	(b) se	ervice station; and	

(c) local utility service.

- (F) In the South Shore Central subdistrict, not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.
- (G) This subsection applies to the Auditorium Shores subdistrict, except for a community events use.
- (1) Not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.
- (2) Use of the area between the primary setback line and the secondary setback line is limited to:
  - (a) cultural services;
  - (b) day care services;
  - (c) park and recreation services;
  - (d) food sales; and
  - (e) restaurant (limited) without drive-in service.
- (H) In the Butler Shores subdistrict, not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.
  - (I) Use of the Zilker Park subdistrict is limited to park-related structures.
- (J) In the City Hall subdistrict, at least 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement. This requirement does not apply to a building used by the City for a governmental function.
  - (K) This subsection applies to the Rainey Street subdistrict.
    - (1) The following uses are conditional:

		§ § §	adk
	, 2012	§	Lee Leffingwell Mayor
.PPROVED:		ATTEST:	
Ka	ren M. Kennard City Attorney		Shirley A. Gentry City Clerk



# City of Austin



P.O. Box 1088, Austin, TX 78767 www.cityofaustin.org/housing

## **Neighborhood Housing and Community Development Department**

1000 East 11" Street Austin Texas 78702

DATE:

January 9, 2013

TO:

Greg Dutton,

Planning Development Review Department

FROM:

Javier V. Delgado, Project Coordinator, AHFC

RE:

AIS Determination for AN ORDINANCE AMENDING TITLE 25 OF THE

CITY CODE RELATING TO COCKTAIL LOUNGES IN THE RAINEY

STREET AREA.

Mr. Dutton:

Upon review of the proposed ordinance regarding cocktail lounges in Rainey Street as a conditional use, Neighborhood Housing & Community Development has determined NO IMPACT on affordable housing of affordable housing production. An Affordable Impact Statement review is not required. Please contact me if you have any questions.

Regards,

Javier V. Delgado

Project Coordinator

City of Austin-Neighborhood Housing & Community Development

# **EDUCATIONAL IMPACT STATEMENT**

CITY OF AUSTIN CODE AMENDMENT

Austin Independent School District



Prepared for the City of Austin



STATE OF THE PARTY	CODE AMENDMENT NAME:Cocktail in	Rainey Street	
THE PART OF THE PA	CASE #: C20-2012-003		D
	POTENTIAL IMPACT ON SCHOOL(S)	⋈ NO IMPACT ON SCHOOL(S)	17
	CODE AMENDA	MENT SUMMARY	
	tion 25-2-692 (K) of the Austin City Code to a et subdistrict.	llow a cocktall lounge as a conditional use within th	e
	IMPACT O	N SCHOOLS	SESSE
The propos	sed code amendment change will not have ar	Impact on AISD schools.	
Date Prepa	red: _01/09/2013		
Director's S	Signature: Paul Jumu		